

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:

ROBERT BLADT
MICHELLE BLADT

DEBTOR

CASE NO. 15-10604

CHAPTER 7

JUDGE ARTHUR I. HARRIS

**MOTION OF NORTHERN FROZEN FOODS, INC. DBA NORTHERN HASEROT
TO CONFIRM INAPPLICABILITY OF AUTOMATIV STAY
TO NON-FILING ENTITY, BMB VENTURES, LLC.**

Now comes Northern Frozen Foods, Inc. dba Northern Haserot (“Movant”), and pursuant to 11 U.S.C. 362 (j) moves this Honorable Court for a “comfort order” confirming that the automatic stay is inapplicable to the non-filing entity known as BMB Ventures, LLC.

The grounds for this Motion are as follows:

On or about October 14, 2014, Movant extended credit to an entity known as BMB Ventures, LLC to allow it to purchase food product on credit. Debtor, Robert Bladt, executed the Credit Agreement on behalf of BMB Ventures, LLC in his capacity as managing member of the company. A copy of the credit agreement is attached as Exhibit A.

On February 10, 2015, the within Chapter 7 case was filed by Robert Bladt. On that same date, BMB Ventures, LLC remained an active domestic limited liability company and, thus, a separate legal entity. See attached as Exhibit B.

Prior to the within Chapter 7 filing, a lawsuit was initiated by Movant against both Robert Bladt, individually, and against BMB Ventures, LLC, to collect the balance due and owing to

Movant. Counsel for BMB has argued in State Court to have the entire matter stayed against both defendants due to the Chapter 7 filing by Robert Bladt. Movant is now seeking this comfort order to clarify for the State Court that the automatic stay is, in fact, inapplicable to the separate legal entity, BMB Ventures, LLC, to enable the collections suit to proceed in State Court as to BMB Ventures, LLC only.

Generally, neither the protection of the automatic stay during the pendency of the bankruptcy case nor the discharge injunction extend to non-debtor co-defendants. *See 11 U.S.C. §362(a) and §524(e)*. If this debtor wishes to protect the corporate entity with the automatic stay, nothings prevents BMB Ventures, LLC from filing its own Chapter 7 Bankruptcy; However, until such a filing is made, it must be determined that the automatic stay does not extend to this company.

Accordingly, Northern Frozen Foods, Inc. dba Northern Haserot prays for an order confirming the inapplicability of the automatic stay to BMB Ventures, LLC.

Respectfully submitted,

WELTMAN, WEINBERG & REIS CO. L.P.A.

/s/ Scott D. Fink
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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Motion was served via the court's electronic case filing system on the following who are listed on the Court's Electronic Mail Notice List:

Erik C. Stein, Esq., Attorney for debtors, estein@gallaghersharp.com

Alan J Treinish, Chapter 7 Trustee, alan@treinishlpa.com

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And by regular U.S. Mail, postage prepaid, to:

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